

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PFIZER INC,	x
ROBERT JARVIK, M.D.,	:
JARVIK HEART, INC.,	: Civil Action No. 08 Civ. 2018 (LAK) (JCF)
Plaintiffs,	: ECF case
	:
v.	:
	:
MATHEW I. GELFAND, M.D.,	:
	:
Defendant.	:
	x

**PLAINTIFFS' MOTION TO DISMISS
DEFENDANT'S COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 12(b)(6), and for the reasons set forth in the affidavit of David G. Ebert, sworn to on May 16, 2008, and the accompanying memorandum of law, plaintiffs Pfizer Inc, Robert Jarvik, M.D. and Jarvik Heart, Inc. move to dismiss Mathew I. Gelfand, M.D.'s counterclaims.

Respectfully submitted,

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BERTOLOTTI, LLP**
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Jarvik, M.D., and Jarvik Heart, Inc.*

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DATED: May 16, 2008